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What the Reform bill will do

London

1867

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WHAT THE REFORM BILL WILL DO.

REPRINTED FROM 'THE CHRONICLE,' APRIL 27, 1867.

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1867.

WHAT THE REFORM BILL WILL DO.

[Reprinted from the *Chronicle*, April 27, 1867.]

THE Government Reform Bill will either be amended by a virtual reversal of the vote of the 12th of April; or it will be successfully opposed by what remains of the Liberal party on the third reading; or it will become law very much as it stands. It is on this third alternative that the two extreme parties found their hopes. The one is persuaded that the question of reform would thereby be settled for a generation; the other, that a basis would thereby be secured, on which, by dint of persevering agitation, they could, within a few years, set up the whole platform of unchecked household suffrage, if not residential manhood suffrage, uniform franchise, and electoral districts. The Tories, and those pretended Liberals who like the Bill for its restrictive character, hope that the checks, which are said to be its substance, will be operative from the first, and that not more than 100,000 new men will come on the register; or that those checks may be operative in the large cities, but not in the smaller boroughs, where the householders under 10*l.* are in manageable numbers, and may be controlled by party agency and

the usual means of corruption. The extreme Liberals on the other hand feel confident that the checks may be made practically inoperative, or at least that they are such as may be swept away with ease by the first reformed Parliament. It is difficult to see on what show of reason any one can found hopes of the Reform agitation being stayed by the present Bill. The argument is certainly all the other way. If the Bill is accepted by Reformers at all, it will be because it holds out to them the bait of household suffrage. If household suffrage becomes the right of the borough constituencies, the franchise, which is now within the reach of 644,522 10*l.* householders, will be extended besides to 722,503 occupiers of houses under 10*l.* Then by the operation of the checks which all Reformers are agreed in denouncing, this large number will be reduced to small proportions. Since the existing condition of twelve months' residence is found to disfranchise nearly one-fifth of those who might otherwise claim to vote, it would not be too much to calculate that the condition of two years' residence with which it is proposed that the householder under 10*l.* should be unjustly depressed would disfranchise two-fifths: this check therefore at once disposes of 289,000 out of the 722,000. Again, of the 722,000 only 245,910, who are personally assessed, can come on the register by the easy and mechanical means by which the 10*l.* householders are now put there. The remaining 476,593 compound householders will have to go through a long and complicated

process before they can vote—a much longer and more complicated process than that which has been found so effectual in keeping nearly all the compound householders of some parishes of the Tower Hamlets off the register. Liberals are quite certain that these distinctions, founded on no necessity, but only on the wish of the Government to take away with one hand what they pretend to give with the other, will excite so much agitation that they will be swept away. The checks are defended on the ground that by means of them the suffrage is given not to all householders, but only to those who desire it, and are willing to prove their desire by taking the trouble to give effect to it. The franchise is to be scrambled for. It is as though a man threw a handful of coins among a crowd, shouting that the money belonged to them all equally, but that, while every man in a black coat might pick it up with his hands, all in fustian jackets must pick it up with their teeth. By what possible persuasions could he hope to maintain this arbitrary inequality?

Again it is clear that after the passing of any Reform Bill the House of Commons must be dissolved, and a new Parliament elected by the new constituency, and that, in the present case, the new constituency must, from the nature of the new franchises, be wider for the first election than on any subsequent occasion. The checks being personal, are burdens; and even light burdens, borne long, become heavy. As years go by the perseverance of the voters will fail, and their names will drop off the lists. The two

years' residence condition will, for various reasons, be more stringent as time goes on. The 35th clause of the Bill provides for the "first registration" of the compound householders, who constitute two-thirds of the householders under 10*l*. They are, *ex hypothesi*, compounders whose names have never appeared on the rate books, which are the witnesses for the residence of those who are personally assessed: therefore their own word must be taken as proof of their having resided for two years in rated houses within the borough. Having thus proved their residence for the required period, they are to be at once registered on the following conditions. First, they must claim within a month after the passing of the Act. Secondly, they must pay all rates due on the day of their claiming. Thirdly, they must (afterwards) pay all rates that become due between the date of the claim and the date of their names being placed on the register—such rates being calculated on the full rateable value of the premises. This clause seems to mean that the new Parliament shall not be elected till after next December, when the new register comes into force. And it provides that the last day for claiming to be put there shall not be the 20th of July as in ordinary cases, but "one [calendar] month after the passing of this Act." The claimant on that day is to pay whatever rates his landlord may have omitted to pay. This will probably be a trifling amount, for landlords are generally punctual paymasters. The claimant is moreover to be prepared to pay in full any

other rate that may become due before "the date of his name being placed on the register" (Oct. 31). This again cannot be any great amount; it is a chance whether any poor-rate will be made in this interval of a month or two. It is also doubtful whether the proviso that the rate is to be calculated on the full rateable value, if it is intended to enforce the fine on the compound householder who claims, will succeed in its aim. Perhaps, however, it has been intentionally worded so as to get rid, by a side wind, of one of the most objectionable parts of the Bill. The compounded rate is "calculated on the full rateable value" just as much as the uncompounded rate, though the calculation proceeds on a different basis. When the composition is made the "rateable value" is not reduced, but the rate itself is reduced, after calculation upon the "full rateable value." The law courts would have to decide whether the compounded rate would or would not satisfy this proviso. The case has already been tried with regard to the compound 10*l*. householder, and decided in his favour. He does pay the "full rate" when he pays the composition. Whether the same equitable interpretation would be extended to the second-class voter remains to be seen. The great mischief of the clause is the power which it puts into the hands of parochial officers to defeat the seeming intention of the Bill, and to disfranchise the new constituencies by wholesale. A poor rate is due on the day it is made. A rate made in the last week of October

would be due in the interval between the claim "and the date of the name being placed on the register;" yet it could not be paid before the 31st of October, and its not being then paid would disqualify the claimant. This is no mere imagination. By the present law electors are disfranchised who have not paid by the 6th of July all rates due on the 6th of January. Some years ago the overseers of a northern town, wishing to purge the registers of voters whose politics they disliked, made a rate a few days before the 6th of January. It was not collected by the 6th of July, and in consequence some seven hundred names were swept off the register. But omitting this provision, which seems almost fraudulent in its scope, the general conditions under which the compound householder may vote at the first election are as follows:—He must declare that he has resided in the borough for two years, in a house or successive houses, for which the landlord has paid the rates. He must claim within a month after the passing of the Act. He must pay all poor rates due up to the 31st of October. With these conditions, unless the political agents in boroughs are asleep, the first election under the Bill may be one almost by household suffrage. The great majority of the 475,000 compound householders may be put on the register, and brought to the poll. It is only subsequently that the checks of the Bill will begin to work; it is not one payment of rates at a time of some excitement, but the continuous liability to pay them when the excitement no longer exists, which

will be so burdensome. It is not the first declaration of two years' residence, but the subsequent proof of it from the entries in the rate-books, that will be so difficult. And it will not be possible either to put off the election of the new Parliament till the registers have purged themselves by the self-acting checks, or to hurry it so as to get it over before the new constituency can be registered. The new constituency, not the old one, must elect the new Parliament. Clause 81 of the Reform Bill of 1832 even went so far as to provide that, in case of a dissolution after the passing of the Act and before registration, the rights of voting should take effect without registration; and it provided that for this purpose the polls might be kept open for fifteen days in counties and eight days in boroughs. It will be enough, on the supposition that the Bill passes in the present session, if the elections do not take place before January next. Then the new constituency, in the plethora of its first strength, will inaugurate its new rights, and the first thing it will do will be to bind the members of the new Parliament by the most stringent pledges to wipe away all the webs and meshes with which the giant of household suffrage is entangled and encumbered. How can members created by household suffrage permit their own creators to be uncreated, and suffer the franchise to be gradually choked and narrowed by the growth of the checks imposed upon it in the present Bill?

And when household suffrage is enjoyed in the boroughs, what stand can be made against the demand for it in

counties? The Whig theory used to be that the borough members represented the occupiers, and the county members the owners of England. The application of this theory to the Reform Bill of 1832 was marred by the Chandos clause, which admitted the 50*l.* occupiers to the county franchise. When occupiers are once admitted, and when all Reform Bills are unanimous in lowering the line, where is the limit to be? Why should a rigid line be drawn for the occupiers' franchise in counties when it is an abomination to draw such a line in boroughs? The present limit of the borough franchise is 10*l.* rental; Mr. Gladstone would make it 5*l.* rateable value. No, says Mr. Disraeli, that is a "hard line," and offers no security why "if adopted it should not immediately be disturbed, and why agitation should not be immediately fomented, in order to again alter the settlement come to." He then asks for a reason to the contrary. The reason would be that, if Mr. Gladstone's proposal were adopted, out of the 1,367,065 male borough occupiers, more than two-thirds, or 979,024, would be capable of the franchise. Add those who would be enfranchised as lodgers, and over a million of the thirteen hundred thousand would be capable of the suffrage, and it would be their interest to keep up the restriction; what chance would 300,000, or 350,000 of the poorest and least educated of the population, of the people nearest to pauperism, of people everywhere in a minority, unorganized, and entirely dependent on the classes above them—what chance would a feeble minority like this have

of gaining the franchise through force of agitation? Yet this was the cuckoo cry of the debate on the Ministerial side. Mr. Hunt asserts that the same agitation would be immediately begun "by those under the 5*l.* line, as had been carried on for years by those under the 10*l.* line," and recommends the House to put "the franchise on an enduring basis, by sanctioning the proposal of the Government, which drew no sharp line." So Mr. Henley is of opinion "that it was useless to attempt to settle the question by a fixed boundary line:" a fixed line, he says, must be lowered from time to time till at last the "residuum" is admitted. Mr. Hardy considers that the Bill has a good basis to stand upon as an acceptable settlement of the question, and is no more likely to be followed by renewed agitation than the 5*l.* line. The Solicitor-General thinks that it will settle the question of reform, for some time to come, upon a sound, permanent, and constitutional basis. It appears, then, that the great objection Ministers have to drawing a line is, that those under the line will agitate to be admitted to the franchise. If this reasoning is good for the boroughs, it is good for the counties too. Yet, after condemning Mr. Gladstone's 5*l.* line for boroughs as a Serbonian bog, Ministers at once draw a 15*l.* rateable value line in counties to be another such bog. The new county franchise will add 186,392 occupiers to the list of those who may claim to be registered, but we have no direct means of knowing how many occupiers below the 15*l.* rateable value limit will be left out. The counties have a larger population than the

boroughs, nearly in the proportion of 11 to 8; the real property in the counties is to that of the boroughs as 69 to 41. The relative rateable value line, then, is in favour of counties as 6 to 5. Hence a 12*l.* rateable value franchise would be about the same for counties that a 10*l.* rateable value franchise would be for boroughs. But the male occupiers at 10*l.* rateable value in boroughs are 530,585, out of a total of 1,367,025. It is to be supposed, then, that a 12*l.* rateable value franchise in counties would not affect much more than one-third of the occupiers; while a 15*l.* rateable value franchise would of course affect fewer persons, less than one-third. Add the freeholders, and it will probably appear that about half the county occupiers will have the franchise. Now, if Ministers are in such a panic about the agitation to be made by some 350,000 pauperized borough occupiers who are left out, when 1,000,000 enjoy the franchise, how can they so calmly contemplate the case of counties, where out of perhaps 1,800,000 occupiers not more than 900,000 will be capable of qualification? Nine hundred thousand men unenfranchised in counties is both positively and relatively a more formidable mass for agitation than 350,000 in boroughs.

If it is urged that county populations are more sparse and less educated than those of boroughs, and that agitation is impossible without assemblages and some education, it is to be remembered that the counties include 135 unrepresented towns and metropolitan parishes, each with a population of more than 5,000, and with an aggregate population of

1,495,079. The inhabitants of these towns will have both the power to agitate, and reasons for agitating. Each may become a nucleus of agitation. Mr. Locke King's staple argument for his nostrum of the reduction of the county occupation franchise to the line of the borough franchise was the feeling of injustice which the distinction excited. The inhabitants of Burnley for instance, with its population of 28,000, could only vote if they were freeholders or 50*l.* occupiers, whereas the inhabitants of Clitheroe, with a population of 10,000, could vote if they occupied premises of 10*l.* rental. The contrast will be still more galling under the provisions of this Bill. In the Isle of Wight, at Newport, with 7,000 inhabitants, there might be (for the first election) household suffrage; at Ryde with its 9,000 inhabitants the franchise would not go below an occupation of 15*l.* rateable value, or about 20*l.* rent. Is there no food for agitation here? Might we not expect some Saxon O'Connell to arise and to call the peasantry of England to mass meetings on Box Hill to agitate for further reform?

Such is the logical and natural effect on counties of the Ministerial denunciation of "hard lines" and fixed limits, and of the implied concession of the right of household suffrage. But what also must be the effect on the small boroughs? The disproportion, flagrant enough now, will be much more unbearable then. In Birmingham, for example, there are now 19,062 male occupiers at a rental of 10*l.* With household suffrage the number who might claim the franchise will be 57,623. It

would be more intolerable for the 57,000 to be balanced and neutralized by the 560 householders of Honiton than it is now for the 19,000 to be neutralized by the 267 electors of that microscopic borough. And the reason is clear: the voters who will come on the register in the decayed south-western boroughs belong chiefly to the "residuum." They often consist of agricultural labourers earning from 7*s.* 6*d.* to 10*s.* a week, who have been driven by the exploded system of close parishes to live in the borough because there was no house for them where they worked. These men live in miserable hovels, rated perhaps at 5*s.* or 10*s.* They have no education and no politics. Their rates will be carefully paid for them, their claims will be duly made, and on the polling day they will all vote—for a consideration. The prosperous, populous, and political boroughs will find themselves neutralized by a number of decaying, depopulated, and corrupt places, and yet forsooth the question of Reform is settled, and we are to have no more agitation.

Instead of allaying agitation, the result of the Bill must be to provoke an increased agitation. There will be three great demands: the repeal of the personal checks and restrictions set up by the present Bill; the destruction, in the case of the county franchise, of the hard line which is denounced as so iniquitous in boroughs, and the consequent assimilation of the county and borough franchises; the disfranchisement of the small boroughs, and establishment of electoral districts. These are the elements of a gratuitous revolution, not demanded by the real forces of the country, but only necessitated by the determination of the Government to evade satisfying the legitimate demands of the great mass of the people by throwing sops to the two extreme parties. They bribe Ultra-Radicals and Tories to help them to baulk the Liberals. There are men who hate and fear this consummation, and yet fail to comprehend Lord Russell's undying grief that his Reform Bill was marred by the Chandos clause. That was the first devastation of the Whig lines of the Constitution by the hoof of a selfish and unphilosophic Toryism. It was the first breach in the dyke:

> 'Twas but one little drop of sin
> We saw this morning enter in,
> And lo! at eventide the world is drown'd.

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